

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

-
W.P. No. 5830 of 2007

Date:22-03-2007

Between:

Danddu Swamy and five others

.. PETITIONERS

AND

The Govt.of A.P. & seven others.

.. RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the action of

the 4th respondent in resorting to illegal, highhanded and mala fide acts of dispossession and threat of implication in criminal cases if the petitioners do not vacate the house bearing H.No.2-33 in Sy.No.51 situated in Seriguda Bhadrayapally village, Kothur mandal, and hand over the possession to the 6th respondent.

2. The case of the petitioners is that they were in actual possession and enjoyment of the house property bearing H.No.2-33 admeasuring 100 sq.yards in Sy.No.51 situated in Seriguda Bhadrayapally village, Kothur mandal, Mahaboobnagar District which was allotted to K.Devara Ramulu-7th respondent. The petitioners being the close relatives of the said allottee K.Devara Ramulu who had no money to construct a house, requested the petitioners to contribute money for construction of house. In fact, the said house was sold by the 7th respondent by unregistered sale deed, dated 27.01.2007 for a consideration of Rs.1,11,000/-. It is stated that the respondents 5 and 6 hatched up a plan and fabricated another document in favour of 6th respondent to grab the property and the 4th respondent is helping them. It is stated that the police have no business to interfere with the civil disputes between the parties.

3. If the 4th respondent is illegally helping the respondents 5 and 6, without there being any complaint or written representation before the concerned police by the petitioners, it cannot be said that they have committed a cognizable offence.

4. It is true that the police cannot interfere with civil disputes. But, if there is any illegality on the part of the police, it is always open for the petitioners to make a representation to the Superintendent of Police and also file a private complaint. I am not inclined to express any opinion with regard to the right, title or possession of the petitioners in respect of the said property also. Without making any such representation and without taking any such recourse, a writ of

mandamus cannot be issued.

The writ petition is accordingly dismissed. However, it is open for the petitioners to take appropriate action as indicated above by filing a representation before the Superintendent of Police against the alleged illegal acts of the 4th respondent. On filing such representation, the Superintendent of Police shall take appropriate action in accordance with law. There shall be no order as to costs.

V.ESWARAIAH, J.

Date:22.03.2007
CCM